THE TRANSFER OF PROPERTY AND THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1939.

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BOMBAY ACT No. XIV OF 1939.[1]

[THE TRANSFER OF PROPERTY AND THE INDIAN REGISTRATION (BOMBAY AMENDMENT) ACT, 1939.]

[*15th June 1939.*]

Amended by Bom. 17 of 1945*.

An Act to amend the Transfer of Property Act, 1882,[2] and the Indian Registration Act, 1908,[2] in their application to the Province of Bombay.

WHEREAS it is expedient to amend the Transfer of Property Act, 1882, and the Indian Registration Act, 1908, in their application to the Province of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Transfer of Property and the Indian Registration (Bombay Amendment) Act, 1939.

Application of Act.

2. This Act shall apply to notices in respect of suits or proceedings which relate to immovable properties situate wholly or partly in [3][the Greater Bombay] with effect from such date as may be directed by the Provincial Government in this behalf by notification in the Official Gazette :

Provided that the Provincial Government may by similar notification direct that the provisions of this Act shall apply to such notices relating to immovable properties situate wholly or partly in such other area as may be specified in the said notification.

Amendment of section 52 of Act IV of 1882.

IV of 1882. **3.** Section 52 of the Transfer of Property Act, 1882, shall be renumbered as sub-section (*1*) of section 52 of the said Act and

(*i*) in sub-section (*1*) so renumbered afer the word " question ", the words and figures " if a notice of the pendency of such suit or proceeding is registered under XVI of 1908. section 18 of the Indian Registration Act, 1908 ", and after the word " property " where it occurs for the second time, the words " after the notice is so registered ", shall be inserted ; and

(*ii*) after the said sub-section (*1*) so renumbered the following shall be inserted, namely :—

" (*2*) Every notice of pendency of a suit or proceeding referred to in sub-section (*1*) shall contain the following particulars, namely :—

(*a*) the name and address of the owner of immovable property or other person whose right to the immovable property is in question ;

(*b*) the description of the immovable property, the right to which is in question ;

(*c*) the court in which the suit or proceeding is pending ;

(*d*) the nature and title of the suit or proceeding ; and

(*e*) the date on which the suit or proceeding was instituted. "

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1939, Part V, p. 67 *or* Bombay Legislative Assembly Debates, 1939, Vol. 5, p. 3683, *or* Bombay Legislative Council Debates, 1939, Vol. 6, p. 767. For Proceedings in Assembly, *see* Bombay Legislative Assembly Debates, 1939, Vol. 5, pp. 3108-3111 ; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1939, Vol. 6, pp. 600-638.

[2] Central Acts.

[3] These words were substituted for the words " the City of Bombay " by Bom. 17 of 1945, s. 9 and Sch. E read with Bom. 52 of 1947, s. 2, proviso.

* This Act was repealed and re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

Amendment of sections 18 and 28 of Act XVI of 1908.

4. In the Indian Registration Act, 1908,—

(*1*) in section 18—

(*i*) the word "and" after clause (*c*) shall be deleted ; and

(*ii*) after clause (*c*) the following shall be inserted, namely :—

"(*ee*) notices of pending suits or proceedings referred to in section 52 of the Transfer of Property Act, 1882 ; and" ; and IV of 1882.

(*2*) in section 28 for the brackets, letters and word "(*b*) and (*c*)", the brackets, letters and word "(*b*), (*c*) and (*ee*)", shall be substituted.